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Paper No. 8

In re Application of
Alessandro Bianchini *et al*
Application No. 10/019,536
Filed: May 14, 2002
Attorney Docket No. 7223.3027.001

DECISION ON PETITION

This is a decision on the petition filed on June 28, 2004 by which petitioners request withdrawal of the examiner's holding that this application stands abandoned for failure to file a timely and proper reply to the Office letter dated September 17, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioners allege that the application is not abandoned because a reply to the Office letter in question was actually filed on December 9, 2003. Petitioners have supported this allegation by furnishing a copy of the reply and a copy of a post card filing receipt for the reply that shows that the reply was in fact received in the Office on December 4, 2003; the December 9, 2003 date appears to be the date upon which the post card receipt was received in the mail by petitioners. As December 4, 2003 is a date within the period set for filing a reply to the Office letter in question, it is clear that this application is not abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for entry of the reply filed on December 4, 2003.

PETITION GRANTED.

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